



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MARQUIS WILSON,

Plaintiff,

v.

H&P CAPITAL, INC.

Defendant.

Case No.: 1:11CV837 JBL/JFA

**PLAINTIFF'S VERIFIED
COMPLAINT AND
DEMAND FOR JURY
TRIAL**

COMPLAINT

MARQUIS WILSON ("Plaintiff"), through attorneys, KROHN & MOSS, LTD., alleges the following against H&P CAPITAL, INC. , ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant is located in and conducts business in the state of Virginia, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Woodbridge, Prince William County, Virginia.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a company located in Jacksonville, Duval County, Florida.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Beginning in March 2011, Defendant began contacting Plaintiff in an effort to collect an alleged debt.

12. Defendant calls Plaintiff from 904-418-5000.

13. Defendant disclosed the debt to Plaintiff's mother and Plaintiff's friend by stating to them that they were collecting on a debt owed by Plaintiff.

14. Upon speaking with Plaintiff, Defendant threatened to sue Plaintiff and told him that he would go to jail for not paying because he committed fraud.

15. Defendant also threatened to get Plaintiff fired from his job if he did not pay.

16. Defendant calls Plaintiff up to four times per day, approximately every day.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:
- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.
 - b. Defendant violated §1692d(5) of the FDCPA by causing the telephone to ring or engaged any person in telephone conversations repeatedly.
 - c. Defendant violated §1692e(4) of the FDCPA by threatening that nonpayment of the debt would result in imprisonment.
 - d. Defendant violated §1692e(5) of the FDCPA by threatening to sue Plaintiff when this action could not or was not intended to be taken.
 - e. Defendant violated §1692e(5) of the FDCPA by threatening to get Plaintiff fired if he did not pay.
 - f. Defendant violated §1692e(7) of the FDCPA by stating that Plaintiff committed a crime in order to disgrace Plaintiff, to wit: fraud.
 - g. Defendant violated §1692e(10) of the FDCPA by threatening to get Plaintiff fired if he did not pay.

WHEREFORE, Plaintiff, MARQUIS WILSON, respectfully requests judgment be entered against Defendant, H&P CAPITAL, INC. , for the following:

17. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: July 20, 2011

KROHN & MOSS, LTD.

By: 

Richard W. Ferris

VS# 31812

Ferris Winder, PLLC

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Suite 710

Richmond VA 23219

Of Counsel

Krohn and Moss, Ltd.

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323-988-2400

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, MARQUIS WILSON, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF VIRGINIA

Plaintiff, MARQUIS WILSON, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MARQUIS WILSON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7/11/11
Date


MARQUIS WILSON